

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INTELLECTUAL VENTURES II LLC,

Plaintiff,

-against-

JP MORGAN CHASE & CO., JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, CHASE BANK USA, NATIONAL ASSOCIATION, CHASE PAYMENTECH SOLUTIONS LLC, and PAYMENTECH LLC,

Defendants.

13 Civ. 03777 (AKH)

ECF CASE

JURY TRIAL DEMANDED

DECLARATION OF MICHAEL A. FELDMAN IN SUPPORT OF DEFENDANTS' MOTION TO STRIKE PLAINTIFF'S INFRINGEMENT CONTENTIONS

I, Michael A. Feldman, declare and state as follows:

1. I am attorney with the law firm of Durie Tangri LLP and I am one of the attorneys representing JP Morgan Chase & Co., JPMorgan Chase Bank, National Association, Chase Bank USA, National Association, Chase Paymentech Solutions LLC, and Paymentech LLC (collectively "Defendants"). I have personal knowledge of the facts set forth herein, and if called upon to testify, I could and would testify to the statements made herein. I submit this declaration in support of defendants' motion to strike plaintiff's infringement contentions.

2. **Exhibit A**, attached to this declaration, is a true and accurate copy of excerpts from the Hearing before Judge Hellerstein held on March 6, 2014.

3. **Exhibit B**, attached to this declaration, is a true and accurate copy an email from Mike Rutledge, paralegal for Feinberg Day, counsel for Plaintiff serving Plaintiff's Infringement

Contentions, dated April 11, 2014.

4. **Exhibit C**, attached to this declaration, is a true and accurate copy of Plaintiff's Infringement Contentions, erroneously dated February 27, but actually served April 11, 2014 (see Exhibit B).

5. **Exhibit D**, attached to this declaration, is a true and accurate copy of excerpts from the Hearing before Judge Hellerstein held on August 20, 2014.

6. **Exhibit E**, attached to this declaration, is a true and accurate copy of a document IV has produced, Bates labeled IV2SUNTRUST-0022887.

7. **Exhibit F**, attached to this declaration, is a true and accurate copy of Plaintiff's Supplemental Infringement Contentions, dated September 30, 2014.

8. **Exhibit G**, attached to this declaration, is a list of the *newly* accused products and vendors in Plaintiff's Final Infringement Contentions. Both Plaintiff's Initial and Final Infringement Contentions are so vague that it is difficult to tell which products Plaintiff accuses, whether it accuses a particular product, or how Plaintiff believes any named products infringe. Nevertheless, **Exhibit G** represents Defendants' good-faith effort to identify the products Plaintiff accuses in its Final Infringement Contentions that were not named in Plaintiff's Initial Infringement Contentions.

9. **Exhibit H**, attached to this declaration, is a true and accurate copy of excerpts from Plaintiff's Response to Defendants' Revised First Set of Interrogatories.

10. **Exhibit I**, attached to this declaration, is a true and accurate copy of excerpts from the Hearing before Judge Hellerstein held on May 8, 2014.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. Executed on October 10, 2014 in San Francisco, CA.

/s/ Michael A. Feldman
Michael A. Feldman

CERTIFICATE OF SERVICE

I, Clement S. Roberts hereby certify that on October 10, 2014 the within document was filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following; that the document was served on the following counsel as indicated; and that the document is available for viewing and downloading from CM/ECF.

DUNNEGAN & SCILEPPI LLC

William Dunnegan
Richard Weiss
350 Fifth Avenue
New York, New York 10118
(212) 332-8300
wd@dunnegan.com
rw@dunnegan.com

Attorneys for Plaintiff and Counter-Defendant Intellectual Ventures II L.L.C.

FEINBERG DAY ALBERTI & THOMPSON LLP

Ian Feinberg
Elizabeth Day
Clayton W. Thompson , II
David Alberti
Peter Mikhail
Sal Lim
Marc C. Belloli
Vinay Kumar Malik
Yakov Zolotorev
1600 El Camino Real, Suite 280
Menlo Park, CA 94025
(650) 618-4360
ifeinberg@feinday.com
eday@feinday.com
cthompson@feinday.com
dalberti@feinday.com
pmikhail@feinday.com
slim@feinday.com
mbelloli@feinday.com
vmalik@feinday.com
yzolotorev@feinday.com

Attorneys for Plaintiff and Counter-Defendant Intellectual Ventures II L.L.C.

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
David Taylor Rudolph
Eric B. Fastiff
Jerome Philippe Mayer-Cantu
Kevin Reid Budner
Melissa Gardner
Patricia Ann Dyck
Phong-Chau Gia Nguyen
275 Battery Street, 30th Floor
San Francisco, CA 94111-3339
(415)-956-1000
Fax: (415)-956-1008
drudolph@lchb.com
efastiff@lchb.com
jmayercantu@lchb.com
kbudner@lchb.com
mgardner@lchb.com
pdyck@lchb.com
pgnguyen@lchb.com

Attorneys for Plaintiff and Counter-Defendant Intellectual Ventures II L.L.C.

/s/ Clement S. Roberts
